

REMARKS

Claims 1-4, 19, and 21-24 were pending and under consideration. Claims 5-8 and 13-18 stand withdrawn pursuant to a restriction requirement and an election requirement.

In the final Office Action of August 26, 2009, claims 1-4 and 19, 21 and 23-24 were rejected. The final Office Action also included objections to claims 1-2 for minor informalities. In addition, claims 20 and 22 were indicated as being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Claims 1-4, 19, and 20-24 are hereby amended. Withdrawn claims 5-8 have been canceled. Of note, claims 20 and 22 have been placed in independent form.

As stated above, the final Office action included objections to claims 1-2 for minor informalities. Regarding claim 1, the Office asserts that “an light incident side” should be --a light incident side--. Regarding claim 2, the Office asserts that “particularly sensitive a light beam” should be --particularly sensitive to a light beam--.

Applicant has thus amended claims 1-2 in accordance with the Office’s suggestions to overcome the claim objections. Accordingly, Applicant respectfully requests withdrawal of the objections to claims 1-2.

I. 35 U.S.C. § 102 Anticipation Rejection of Claims

Claims 1-4, 19, 21, and 23-24 were rejected under 35 U.S.C. § 102(b) as being anticipated Merrill (U.S. 2002/0058353). Applicant respectfully traverses this rejection.

Merrill does not disclose each and every feature recited in the claims. For example, Merrill fails to disclose a solid-state image pickup device in which a first photosensor does not overlap a second photosensor in a depth direction that extends between said light incident side and said non-light incident side, as recited in independent claim 1. These features are configured to prevent and/or

reduce a smear caused by a mixing of a noise signal with a signal electric charge being transferred.

In setting forth the rejection, the Office relies upon the embodiment, depicted in Fig. 3 of Merrill. The Office further asserts that Merrill's red detector 64 is the claimed first photosensor and Merrill's blue detector 74 is the claimed second photosensor. Applicant respectfully disagrees.

In contrast to the claimed invention, Merrill is directed to a vertical color filter group and array, in which a red detector 64 is clearly positioned directly below a green detector 70 and a blue detector 74 in a depth direction. In other words, Merrill relates to chromatically filtering light in a vertical direction by stacking photosensors in a vertical direction. As such, Merrill's detectors are arranged to overlap one another in a vertical direction (i.e., a depth direction). See Merrill at Figure 3, as well as paragraphs [0043]-[0045]. See also Merrill at Figs. 4A-4E, as well as its corresponding written description, which describe the fabrication process of Fig. 3. Therefore, Merrill cannot possibly anticipate Applicant's claims, which require a configuration in which a first photosensor and a second photosensor "do not overlap in a depth direction that extends between said light incident side and said non-light incident side."

In view of the foregoing, it is submitted that all of the claims are allowable and that the present application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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